

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 19, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Ann Bleed, Steve Duvall, Barbara Hopkins, Greg Schwinn, Cecil Steward and Rick Wallace (Russ Bayer, Gerry Krieser and Joe Wilson absent); John Bradley, Ray Hill, Steve Henrichsen, Jennifer Dam, Nicole Fleck-Tooze, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair, Barbara Hopkins called the meeting to order and requested a motion approving the minutes for the regular meeting held May 5, 1999. Motion to approve made by Schwinn, seconded by Bleed and carried 5-0: Bleed, Duvall, Hopkins, Schwinn and Wallace voting 'yes'; Steward abstaining; Bayer, Krieser and Wilson absent.

Hopkins then called for a motion approving the minutes for the special meeting on the CIP/TIP and Comprehensive Plan Amendment No. 94-36 held May 12, 1999. Motion to approve made by Bleed, seconded by Duvall and carried 5-0: Bleed, Duvall, Hopkins, Schwinn and Wallace voting 'yes'; Steward abstaining; Bayer, Krieser and Wilson absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Bayer, Duvall, Hopkins, Schwinn, Steward and Wallace; Bayer, Krieser and Wilson absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1770; SPECIAL PERMIT NO. 1772; FINAL PLAT NO. 98037, HIMARK ESTATES ADDITION; FINAL PLAT NO. 99009, VINTAGE HEIGHTS 5TH ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 99005; and WAIVER OF DESIGN STANDARDS NO. 99005.**

Item No. 1.2, Special Permit No. 1772, and Item No. 1.5, Comprehensive Plan Conformance No. 99005, were removed from the consent agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 6-0: Bleed, Duvall, Hopkins, Schwinn, Steward and Wallace voting 'yes'; Bayer, Krieser and Wilson absent.

This is final action on Special Permit No. 1770; Special Permit No. 1772; HiMark Estates Addition Final Plat No. 98037; and Vintage Heights 5th Addition Final Plat No. 99009, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1772
TO EXPAND A NON-STANDARD HOUSE
INTO THE FRONT YARD SETBACK
AT NO. 62ND STREET & JUDSON.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Wilson, Bayer and Krieser absent.

Planning staff recommendation: Conditional approval.

This item was removed from the Consent Agenda and had separate public hearing due to the applicant's response to the conditions of approval.

Proponents

1. J.D. Burt of Design Associates, testified on behalf of the applicant, indicating that the applicant has resolved all issues with the staff except for the sidewalk (Condition #2.3.2). 47th Street extends south from Van Dorn down to High; the subject property is located on the east side of 47th between Pawnee and High. In that two-block area, the existing sidewalk is limited to a few properties up by Van Dorn. The one home with sidewalk is located adjacent to this site. Mr. Burt submitted that the sidewalk is unnecessary at this point in time. The owner would not object to the installation of the sidewalk when there are others in the area put in.

Mr. Burt indicated that the applicant did have a meeting with property owners prior to the application. The owner to the south asked for two changes: 1) the roof, to bring the size of the building down to conform with the other homes in the area, and 2) sidewalks—he did not want to be burdened with the disruption of his yard for the construction of the sidewalk.

Schwinn asked whether there are sidewalks on the other side of the street. Mr. Burt indicated that there are not any on the other side of the street. The only sidewalk between Pawnee and High is located north of this application.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Wallace moved to approve the Planning staff recommendation of conditional approval, with amendment deleting Condition #2.2 and Condition #2.3.2, with the understanding that the owner/developer will not object to the installation of the sidewalks if a district is created in the future, seconded by Schwinn and carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

This is final action on this application, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

COMPREHENSIVE PLAN CONFORMANCE NO. 99005
TO ACQUIRE A PERMANENT CONSERVATION EASEMENT
TO PROTECT SALINE WETLANDS
ON PROPERTY GENERALLY LOCATED
SOUTH AND EAST OF I-80 AND NO. 27TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Wilson, Bayer and Krieser absent.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan.

This application was removed from the Consent Agenda and had separate public hearing at the request of Danny Walker,

Proponents

1. Dan Schultz, Resources Coordinator for the Lower Platte South Natural Resources District, testified in support. The NRD Board has taken action to acquire or accept the gift of this conservation easement. It is part of the saline wetland basin which the NRD currently owns just to the south (Whitehead property).

2. Danny Walker, 427 E Street, testified in support; however, within the last three weeks, he has been at the City Council meeting where all the wetland protection was waived in this location. This is confusing. Someone needs to make up their mind what's going to be done. He complimented the NRD for this action, but he does not understand why a position is taken like this on this property, and then practically directly across the road it is waived. It is poor administration on the part of City government.

Hopkins requested that Mr. Walker take his concerns about the City Council action to the City Council.

3. Mike Morosin, past president of Malone Neighborhood, testified in support of protecting the wetlands--it is a step in the right direction. He is hopeful that this will be a lynch-pin for a number of other people to get on board and take a look at this.

There was no testimony in opposition.

Bleed commented that the apparent inconsistency does need to be addressed. Nicole Fleck-Tooze of Planning staff believes that Mr. Walker was referring to a change of zone across North 27th Street that included some saline wetlands. That was a different type of application. This is a finding of conformance for an easement.

Bleed asked whether we will be allowing fill in those wetlands in the change of zone and not in these wetlands. If these are the exact same situations, this seems inconsistent. If they are not the same, then it should be explained. Ms. Fleck-Tooze advised that they are two different situations. A portion of this area was developed and this specific portion was tagged out as being preserved as a conservation easement with the NRD.

4. Mark Hunzeker was allowed to speak out of order to provide clarification. This is not being treated differently than the parcel across the street. Both of these parcels were rezoned the same way and to the same district. This is simply a follow-up to the plat, which is the dedication of an easement in an area which was not designated for fill; it was after a 404 permit was issued for some fill on this site. In terms of discrepancy from one side of the street to the other, there was none.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Bleed moved to find the conservation easement to be in conformance with the Comprehensive Plan, seconded by Schwinn and carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Wilson, Bayer and Krieser absent.

There will be no further action on this application.

CHANGE OF ZONE NO. 3177

**TEXT AMENDMENT TO THE LINCOLN MUNICIPAL CODE
REGARDING HOTELS AND MOTELS IN THE O-3 DISTRICT
AND SIGNAGE IN THE O-3 AND B-5 DISTRICTS.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Wilson, Bayer and Krieser absent.

Planning staff recommendation: Denial.

Proponents

1. **David Thompson** appeared on behalf of **HB II, Inc.**, the applicant. This is a request for three text amendments: 1) remove design and density restrictions on hotels in O-3; 2) allow for modification to current sign restrictions in O-3; and 3) allow for hotels and motels in O-3 to have one additional off-premises sign, either pole or ground.

In general, as far as removing the design and density restrictions, Mr. Thompson explained that the current regulations require certain room size, i.e. 1500 sq. ft. of lot size per unit with kitchen, living and sleeping quarters. What this does is require that any type of hotel in the O-3 has got to be a type such as a Residence Inn or Marriot Courtyard. Mr. Thompson suggested that this is an arbitrary restriction that came about when the Residence Inn was located out on east "O" Street. It does not fit the overall planning objectives that a hotel must serve the O-3 office park. These restrictions need to be removed so that something like a Hampton Inn Express can be allowed.

If hotels and motels are allowed in the O-3 district, the typical signage for a hotel/motel should be allowed. A 25 sq. ft. sign is not enough for something like a Hampton Inn Express. They are requesting a sign with 4' letters with overall size of 137 square feet. This text amendment will allow modification of the sign regulations on a case-by-case basis.

This text amendment also requests an off-premise sign for a hotel/motel located in O-3 to be allowed in B-5. This would allow the sign to be located towards the commercial center as opposed to right next to the hotel. The overall development is both O-3 and B-5 zoning and they are requesting one off-premise sign in the B-5 area within the same use permit, within 600' of a hotel or motel. He does not believe this will result in an explosion of pole signs in the community.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Bleed moved to deny, seconded by Steward.

Bleed believes the staff report sets it forth very well. She would have concerns because office districts are a buffer; a regular hotel is not the kind of activity we want in a buffer zone; there are certain situations where O-3 makes sense. She thinks this would erode the O-3 district.

Schwinn believes the existing code is totally site specific and he does not believe it belongs there. It needs to be opened up a little bit. Personally, he thinks hotels and motels in office

zoning are a very good use and very needed, especially the way we are doing business today.

Wallace does not know that hotels and motels are bad, particularly in the south because we don't have any. Business is conducted all through the community. He agrees that the ordinance needs to be clarified.

Rick Peo, City Attorney, clarified that once there is specific criteria which must be met, it is difficult to deny a special permit. If there is no criteria, you still fall back on the general conditions and the impact on abutting properties.

Motion to deny failed 2-4: Bleed and Steward voting 'yes'; Schwinn, Wallace, Duvall and Hopkins voting 'no'; Wilson, Bayer and Krieser absent.

Schwinn moved approval, seconded by Duvall and failed 4-2: Schwinn, Wallace, Duvall and Hopkins voting 'yes'; Bleed and Steward voting 'no'; Wilson, Bayer and Krieser absent.

This item is held over for administrative action on June 2, 1999. Public hearing is closed.

COMBINED USE PERMIT/SPECIAL PERMIT NO. 14
TO ALLOW A HOTEL IN THE O-3 OFFICE PARK DISTRICT,
ON PROPERTY GENERALLY LOCATED AT
SOUTH 60TH & OLD CHENEY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Bayer, Krieser and Wilson absent.

Planning staff recommendation: Denial.

Proponents

1. David Thompson presented the application, which anticipates the text amendment in proposed by Change of Zone No. 3177. This is an application to construct a Hampton Inn Express at 59th & Old Cheney Road. The property is currently zoned O-3 Office Park and surrounded by B-5 zoning. There is a line of office buildings to the east. There is undeveloped property further to the east. The design of the building will blend in with the rest of the office park. The exterior lighting and the parking lot would be the same as for the rest of the office park. Landscaping and trees will be planted to add additional buffer from surrounding properties. They are requesting two wall signs. One additional ground sign is being proposed near the Pinnacle Bank. Within the O-3 regulations, a parking lot entrance sign is allowed.

Mr. Thompson believes this project will be beneficial to Lincoln as a community. Lincoln is short of motel space for bigger national events. South Lincoln, in particular, needs more hotels. He believes the use will blend in with the overall office park and complement the office park. It will be beneficial to the extent that it will shift some of the usage of the parking area versus being an office use.

Hopkins asked if this should be deferred for two weeks so that there is an opportunity for further discussion once the Commission has voted on the text amendment. Mr. Thompson would agree.

Bleed moved to continue public hearing and administrative action on June 2, 1999, seconded by Wallace and carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

There was no other testimony.

Steward commented that even without the text amendment, he questions the location and the circumstance of this project and its adjacency to an R-1 district, and the effect that the additional signage is likely to create in those adjacencies. It seems to him that we are pushing the point between accommodating the employment center and accommodating highway traffic. He does not believe that this type of hotel is what was intended with the original ordinance, even though it may have been "brand" specific in the beginning. He thinks we're stretching the point between highway business and office use.

2. Mark Hunzeker approached the Commission on behalf of the applicant. When the original amendment to the O-3 district was approved allowing hotels and motels, he had a substantial hand in drafting the O-3 district and the hotel/motel use came along not long afterwards in 1984, at which time the concept of Residence Inn or suite type hotel was virtually brand new. That particular application came forward with potential usage by Selection Research, now Gallup, and others in that vicinity as a reason that a hotel/motel was needed in that area. It was not necessarily the case that they were using that to justify the suite type facility. It was a new concept that they were anxious to try. The concept of utilizing or serving customers that are not necessarily tied directly to the office park is not new to the O-3 district. We have restaurants, we have health care facilities, we have private schools, we have day care facilities, and we have recreational facilities located in O-3 districts. Prairie Life Center is purely a health club located in the O-3 office district and it is there for anyone that wants to come—not just the occupants of the office park. It has never been that way and it has never been intended to be that way. There is no restriction on the use of the Residence Inn. This is a perfectly good location for a hotel, nestled in between the retail area of Edgewood and the office portion of this development in a way that will screen and buffer any residential development planned to take place to the east of the this property. He does not believe this structure or use will have an adverse impact.

If the text amendment is approved, Bleed is concerned about to what extent we could protect an existing residential area from a fairly high traffic type of hotel. Mr. Hunzeker pointed out that it is still going to be a special permitted use—you still have discretion as to whether or not it is allowed, the same as a day care center or a recreational facility. To add something like this into the mix with a special permit attached gives some flexibility. If this were a facility that had an outdoor pool that had potential of creating a lot of noise and lights, etc., that is something that would be considered differently from a facility like this, at least in the context of reviewing a special permit. The Planning Commission does have the discretion to deny special permits.

Steward suggested that the motivating factor for adjacent location is because of the relationship of services which the office park generates. Mr. Hunzeker is pretty sure that Prairie Life Center is not dependent on relationships to the office park. It is the largest facility by far in that office park. But, Steward suggested that maybe it should not have been allowed under those circumstances, either. Steward does not disagree that there are overnight accommodations in the center of office parks. If this one were located somewhere other than immediately adjacent to residential, he might feel differently. But changing the text as requested will open up the general location circumstances and the signage conditions. Hunzeker suggested that this is not adjacent to the residential uses. There is at least 200' between the hotel and the east edge of the property, and there is a row of office buildings and affiliated parking in between.

This application will have continued public hearing and administrative action on June 2, 1999.

USE PERMIT NO. 117,
HORIZON BUSINESS PARK
and
PRELIMINARY PLAT NO. 99003,
HORIZON BUSINESS CENTER,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 14TH STREET & PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Bayer, Krieser and Wilson absent.

Planning staff recommendation: Conditional approval.

Proponents

1. **Kent Seacrest**, testified on behalf of a group of property owners, who have been working also with the Lincoln Public Schools. This is the former Gerbig tract which was designated industrial; then employment center; and then the County Board and City

Council agreed not to place a moratorium on this tract. One year ago the property was zoned I-3. The applicant did the "11-point action plan", making commitments as to how to go forward and do the actual use permit under the employment center zone, which is what is before the Commission today.

Mr. Seacrest displayed the site plan, showing the predominance of retail on the front, with offices in the second tier, flex space in the third tier, and industrial in the fourth tier. In addition, this site has a 17 acre parcel between the Union Pacific and Burlington tracks which will be owned and operated by the Parks Department for agricultural purposes. The whole purpose of the sale was to add a buffer to Wilderness

Park so that the piece of land between the tracks is the buffer to be transferred to the City to complete the transaction, ranging from 800' on the south end to 600' at the loading docks and 450' at the school site.

Mr. Seacrest also pointed out that there are a lot of environmentally sensitive areas that are being protected; and the 6-acre wetland will not be filled.

As far as floodplain, Mr. Seacrest suggested that this is one of the most interesting floodplain projects he has been involved in. They committed to "no net loss" of flood storage capacity. About 1/3 of this site is in the 100-year floodplain. They have reshifted the floodplain so that for every scoop of fill they are putting in, they are taking a scoop of dirt out so that before and after that site will store the same 100-year flood waters as it did before the development. This is not required by law. Drainage will now be going along the railroad tracks and will create a new wetland over time, helping to filter pollutants before entering Wilderness Park and slow up the water flow. It will also be the fence to Wilderness Park from the school site. This will be good for floodplain protection for the park, South Salt Creek and Haymarket. This is the first development that has done a "no net loss" flood capacity.

Mr. Seacrest submitted proposed amendments to the conditions of approval on both the plat and use permit.

Condition #1.1.3 of the plat requires that a public or private roadway be shown from Libra Drive to Infinity Court. This would require them to cross a drainageway. The property owners on both sides do not believe the extra circulation is needed. Putting a road in will require approval from LES because they have an easement over the drainageway. They also know there are some wetlands in that drainageway and Mr. Seacrest is suspicious that they will have to get a 404 permit. Putting in a creek reduces the storage of the floodplain. The corridor is an existing wildlife corridor and they do not want to block it with a roadway. The applicant does not want to have the street connection to the south.

Staff agrees with the remaining amendments to the conditions of approval.

Mr. Seacrest expressed appreciation to the staff for their time and commitment to this project to negotiate and reach agreement on everything except the street connection.

Mr. Seacrest stated that the applicant did meet with the Friends of Wilderness Park and he believes they are basically in agreement and recognize that this applicant has done important things in their interest.

2. Don Linscott appeared on behalf of **Horizon Business Center**. As Lincoln grows we are seeing much differences of people coming into our community and with the technology changes we are seeing different types of companies wanting to come into our community. We are starting to see this type of center with technology companies and small companies that need offices and warehouses. It is a new need we have not seen in Lincoln. A lot of the companies coming in are wanting to be in a controlled business center. They are hoping to attract a lot of computer oriented companies. The complex needs to be something that is attractive to those new types of business as far as the type of buildings, type of landscaping, etc. All of the buildings will have some similar characteristics, either tilt-up or block or brick. The flex building is a new concept being introduced for small technology companies. The first flex building developed is on N.W. 12th Street for office use and warehousing. The third type of facility is warehousing, with the tilt-up type construction, which we have not seen in Lincoln.

We are looking at new uses, new companies, and new technologies in our market place that are not wanting to go into an older area. They want upscale, they want to know their neighbors, they want to know that it is well landscaped. This development will offer that opportunity. They are cooperating with the neighbors to the south and they have worked very closely with LPS in trying to coordinate some new ideas.

Opposition

1. Glenn Cekal, 1420 C Street, testified at this time. He wants to know what the landscaping situation is between this area and Wilderness Park. He is interested in line of sight. If he is in Wilderness Park he would much prefer to look out on farmland than he would any technology park. He visualizes a bunch of mosquitoes between the railroads and wherever the water is being drained. He sees some health problems with the water sitting there. He has not yet heard anyone say anything about noise decibels, noise abatement. This zoning allows things such as body shops, etc. The type of materials and maintenance for a property of this sort can make the difference between the project being highly acceptable and being a positive asset. He believes this would be the next best thing to protecting the park all the way around. He is astounded that this land was needed so badly that they have to build in the floodplain. He is also confused why some wetlands are being preserved and others are not.

2. Richard Halvorsen, 6311 Inverness Road, is concerned about a use such as a body shop with the highly toxic paints, solvents and acids, being in the floodplain. He is opposed to industrial uses in the area because of the potential of flooding.

3. Danny Walker, 427 E Street, testified in opposition. He did, however, compliment the developer in regard to some of the actions they have taken to somewhat ease the impact. He is also concerned about toxins and contaminants. Loading docks are also a concern because they should not be allowed to stack stuff outside around the building.

Hopkins requested a response from staff with regard to the motions to amend the conditions of approval. Steve Henrichsen of Planning staff agreed with all amendments, except the deletion of Condition #1.1.3. Public Works is opposed to deleting this condition. Dennis Bartels of Public Works stated that his comment from the beginning has been that it is a good principle to tie the local street system together. Public Works even suggested a frontage road along 14th Street. There are several options that would be acceptable. There is already some reshaping of the floodplain and with a box culvert underneath it does change the storage calculations. It is not a good principle in the general street system to not have the local street systems connected to each other, and to provide median opening and left turn access. Access and connectivity is important for emergency situations. Local street connectivity does not require use of arterial streets to get back into the local development.

Mr. Henrichsen referred to Vavrina Meadows where there are three different roads that go under the LES easement. In addition, he pointed out that there are no wetlands in Outlot A that would need to be crossed with the street connection.

Steward inquired specifically about emergency access to building 18, the second building to the north of the cul-de-sac. Mr. Bartels noted that Lot 23 IT is the underlying lot and Lot 18 has frontage on the cul-de-sac. What is viewed as building 18 is actually the building envelope. The circulation that Mr. Bartels would be concerned about is when you have one way in and out of an area. There may or may not be another access or connection to the south. Staff is requiring that a private road be shown to the south. The street system that this developer showed to be projected to the south was a cul-de-sac. Steward believes this to be a valid point and design flaw.

Response by the Applicant

Mr. Seacrest clarified that there are no auto body shops on this use permit. The I-3 ordinance has removed the smokestack or dirty industry so those uses are not allowed. This developer is also indicating that the covenants will not allow outside material to be stored.

With regard to Wilderness Park in general, there are 17 acres that are being buffered up against the park. Parks did not require any extra buffering because it is not appropriate to

“buffer the buffer”. They do intend to create the wetland drainageway on the west end, which will have vegetation and trees.

With regard to the connecting street to the south, Mr. Seacrest stated that there is a way into building 18 and he demonstrated it on the map. The cul-de-sac is shown to the south, but it is not in this application. This applicant does believe there is wetland next to 14th Street in the outlot because the creek itself has cattails. They are attempting to leave the whole drainageway in its natural state and do not want to erode floodplain storage capacity with a road. Frontage roads are not attractive, quite frankly, and this is not acceptable and is contrary to what this application tries to do.

Mr. Linscott rebutted, stating that Horizon Business Center is a concept more like office settings. They would not allow a body shop in this project. Covenants will be developed and the companies will want to come because it is an upscale center.

With regard to the connector street, Mr. Linscott stated that they took it under advisement. As we see these flex spaces and office locations, the south location along Infinity Drive and the north location do not have a lot of interplay. Because we are not trying to develop a retail type center, there is not a lot of connection between the two. It is not being developed as an interconnecting use.

Steward does not understand the functional distinction between the south area and the north area. Mr. Linscott explained that they are not trying to get people from a retail standpoint going from one to the other. They do not see a reason for getting people on the north side down to the south side. But for functional use, Steward commented that they do not know who the tenants are and the buildings on the south and north are basically the same buildings. Seacrest suggested that common sense tells you that retail would be on the northern end of the project, and it has all the circulation in and out that you would want. As we get further south, the retail market diminishes.

Steward asked how definitive the school plan is. Is it set or a maybe? Is it still fluid and up for change? Seacrest indicated that the developer has been working on the grading plan and it is, to their best estimate at this time, the one the schools want to go forward with, but LPS does have its own public processes and committees. There is an architect on board. Mr. Seacrest would call this “the first generation of their thoughts”. Steward’s concern is that a great deal of the no net increase in the floodplain rests on the property and the configuration that the school system makes. Seacrest suggested that one of the ways we do this is by making things deeper. But, Steward suggested that storage is only one of the concerns for floodplain. Movement and carriage is the other. Seacrest stated that this is backwater – when Salt Creek is flooding the water backs into a geographical region so this is not moving water. There is no floodway.

Steward then referred to the intent to create new wetlands. Will any of those wetlands be pushed into Wilderness Park by reason of what is being done? Mr. Seacrest stated that

the wetlands will be on the west edge of the property. They will not be pushed into Wilderness Park.

Wallace inquired about the distance for emergency vehicles to get to the back side of building 18. Seacrest advised that all plans are sent to emergency agencies and they did not receive any opposition or response. Roger Severin of Olsson Associates advised that at the time of building permits, the plan is reviewed by the Fire Department, and they must provide a corridor around the building. This site does allow for that circulation. It does not have to be paved access.

As far as the flood storage being created on the LPS site, Mr. Severin noted that area to all be on the sports fields. Those are very good and appropriate uses to be built in a floodplain. This will require significant grading to create the sports fields.

Public hearing was closed.

USE PERMIT NO. 117

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Bleed moved approval of the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Duvall.

Bleed commented generally that this has been a sensitive piece of property that has generated a lot of controversy and she commended the developers for doing a very sensitive design with a number of the best management practices and flood control that are not required by law but will take away some of the concerns about developing this property. She realizes there is concern about industrial next to Wilderness Park, but it is I-3 and will not be heavy industry. With the buffer area, short of having more park or open fields, she could not think of a better use of this piece of land to protect the park. If residential, she believes there would be more traffic impinging upon the park than the I-3 uses. Buying this land and maintaining it in open space with this kind of use will be an amenity that will protect the park about as much as anything we can do.

Motion for conditional approval, with amendments, carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

PRELIMINARY PLAT NO. 99003

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Wallace moved approval of the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Schwinn. This eliminates the requirement for the street connection.

Regarding the private access road, Schwinn referred to the Trade Center at 56th & Old Cheney where they have two separate and distinct areas and it has worked very well. He believes it is a wonderful layout and he does not foresee it as a problem.

Motion for conditional approval, with amendments, carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

SPECIAL PERMIT NO. 1692A,
WILDERNESS RIDGE COMMUNITY UNIT PLAN
and
PRELIMINARY PLAT NO. 99005,
WILDERNESS RIDGE,
ON PROPERTY GENERALLY LOCATED BETWEEN
YANKEE HILL ROAD AND ROKEBY ROAD,
FROM SOUTH 14TH STREET TO SOUTH 27TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 1999

Members present: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins; Bayer, Krieser and Wilson absent.

Planning staff recommendation: Conditional approval.

Proponents

1. **Kent Seacrest** presented the application. They have had pre-submittal meetings and have worked extensively with staff to accomplish the proposal. They will be doing the best management practices; there will be mini-storm detention in front of all the homes; this application breaks the rules in a positive way. Mr. Seacrest submitted proposed amendments to the conditions of approval. The only dilemma on this project has been Rokeby Road on the south edge of the property. They had shown golf holes up against the neighbors and staff wanted to see more circulation. Therefore, they have put a road in. Under normal practice, half of the road would be on the neighbors and half on the applicant. They confused the neighbors by putting all the road on the applicant's property. Then when they resubmitted the second time, they showed 50% of the road on the neighbors and 50% on the applicant, but they forgot to tell the neighbors and he apologized. They met with the neighbors Monday night and offered to put 50' of the road on the applicant, with 10' on the neighbors' side.

Opposition

1. **Sonja Heckel**, 8031 Arrow Ridge Road, testified in opposition to the location of the road. She grew up in a home on 14th Street just north of Saltillo Road and she built a home at 27th & Rokeby Road and raised her family there. They did meet with the applicant and, among other things, they visited about moving only 20' of the road north of the boundary

line and she has decided she is not comfortable because there would be no buffer between her property line and the road. It would appear to force the electrical easement onto her land. Her level of trust with this group of applicants is low and this has been expressed to Mr. Seacrest. Ms. Heckel requested that action on this application be postponed until the Rokeby Road issue can be resolved. Ms. Heckel would prefer not to have any of the road, but she believes they can work something else out. They just haven't had time to fully understand and discuss it. They were not advised that the road had been moved until she visited the Planning Department.

2. Danny Walker, 427 E Street, urged that the Commission needs to be very careful on detention cells—they can be good and they can be bad if not done properly.

3. Mr. Halverson supports the request for delay. He is against the golf course. Do we really need another golf course in and around Lincoln, Nebraska? He thinks it is an inefficient use of the land.

Bleed believes that the legal aspect is that the road can go down the middle of the property. Steve Henrichsen of Planning staff advised that the subdivision ordinance says that when you adjoin unsubdivided property, you can place one-half of the road on your property and the other half on the adjoining property; however, you cannot plat any of the lots on your side adjacent to the road. If they do put 50' of right-of-way on the applicant's property, they could build the sidewalk and put in the street trees on north side. The issue of being able to plat the lots will be a waiver request on the June 2nd Planning Commission agenda. This is a section line road. Typically, for all section line roads, one-half of the right-of-way is on one side and one-half is on the other side.

Response by the Applicant

Mr. Seacrest requested that this application not be delayed. They are frantically trying to build a big sewer line to get to this whole region. He suggested that the Commission could say the road should go down the center line; or 50' on the applicant's property and 10' on the neighbors' side (which is his amendment); or not put the road all on the applicant's land and in two weeks we can discuss the waiver. Mr. Seacrest pointed out that there will also be a hearing before the City Council and the applicant is committed to still work with the neighbors in the meantime.

Public hearing was closed.

SPECIAL PERMIT NO. 1692A

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Bleed moved approval of the Planning staff recommendation of conditional approval, with the amendment to Condition #1.1.5 as requested by the applicant, seconded by Steward and carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

PRELIMINARY PLAT NO. 99005

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 1999

Bleed moved approval of the Planning staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Wallace.

With regard to the road, Bleed believes the developer is trying to accommodate the neighbors. If there is further discussion it can happen before it goes to City Council and the Council can make the appropriate changes as deemed necessary.

Steward noted that this motion would then put the road only 10' on the neighbors' side and 50' on the applicant's side. He believes there is the principle of the section line that has a greater public interest impact than the interest of either of the property owners.

Steward moved to amend to require that the road be 50/50 to align with the section line configuration, seconded by Schwinn and carried 5-1: Schwinn, Wallace, Steward, Duvall and Hopkins voting 'yes'; Bleed voting 'no'; Bayer, Krieser and Wilson absent.

Steve Henrichsen also advised that the amendment to Condition #2.3 requested by the applicant is no longer necessary.

Main motion for conditional approval, as amended, carried 6-0: Schwinn, Wallace, Bleed, Steward, Duvall and Hopkins voting 'yes'; Bayer, Krieser and Wilson absent.

There being no further business, the meeting was adjourned at 3:05 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on June 2, 1999.